

Order

Michigan Supreme Court
Lansing, Michigan

November 23, 2011

Robert P. Young, Jr.,
Chief Justice

143673

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

In re J.L. GORDON, Minor.

SC: 143673
COA: 301592
Oakland CC Family Division:
2008-746988-NA

On order of the Court, the application for leave to appeal the August 11, 2011 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.302(H)(1). At oral argument, the parties shall address: (1) whether the notice requirements of § 1912(a) of the Indian Child Welfare Act (ICWA), 25 USC 1901 *et seq.*, are invoked, such that the family court knows or has reason to know that an Indian child is involved in an involuntary child protective proceeding, when, as occurred here, the respondent mother stated at the preliminary hearing that her parents were tribal members but she was not; (2) if so, whether the Department of Human Services (DHS) and the family court are under a duty to make a complete record of their compliance with the notice requirements of the ICWA; and (3) whether a parent can waive a minor child's status as an "Indian Child" under the ICWA, 25 USC 1903(4), or waive compliance with the federal law's requirements, and, if so, whether the respondent mother's statement on the record that her family had been notified directly by the tribe that they were not entitled to money or benefits constituted a waiver. The parties may file supplemental briefs within 28 days of the date of this order, but they should not submit mere restatements of their application papers.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 23, 2011

Corbin R. Davis

Clerk